

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

FREDDIE LEE FOUNTAIN, #1640115

§

VS.

§

CIVIL ACTION NO. 6:14cv145

RICK THALER

§

ORDER OF DISMISSAL

Plaintiff Freddie Lee Fountain, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit in his own behalf and in behalf of his daughter, Robin J. Fountain. The lawsuit concerns postage provided to indigent inmates. The cause of action was referred to United States Magistrate Judge K. Nicole Mitchell. After conducting an evidentiary hearing, in accordance with *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), Magistrate Judge Mitchell issued a Report and Recommendation (Docket Entry #32) concluding that the case should be dismissed. The Plaintiff has filed objections (Docket Entry #34).

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the amended complaint and objections raised by Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

**ORDERED** that all motions not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 30th day of May, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**